

MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
APRIL 6, 2010

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on April 6, 2010, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Wall, Councilmembers Huffman, Butler, Ross and Faucette

Councilmembers absent: None

Harold Owen, City Manager: Present

Robert M. Ward, City Attorney: Present

Jondeen D. Terry, City Clerk: Present

INVOCATION: Councilmember Jim Butler

PRESENTATION TO COUNCIL: Vicky Hunt, PAWS

Ms. Vicky Hunt, President, PAWS, thanked Council for being on board with PAWS and the pet over-population problem in the community. Ms. Hunt presented a check in the amount of \$35,398.91 for the equipment cost at the Spay and Neuter Clinic of Alamance County. Ms. Hunt also stated that an additional \$8,000.00 to \$10,000.00 had been committed to be used in the promotion of the clinic.

Assistant Police Chief Greg Seel stated that 20 surgeries had been performed on April 6, and that 11 more were scheduled for April 7, and the clinic was booked for April and into May.

PROCLAMATIONS:

- a. Burlington Kiwanis Club Week - April 17-23, 2010
- b. Alcohol Awareness and Talk Up, Lock-It-Up Month - April 2010

MINUTES

Mayor Wall called for approval of the following City Council minutes:

- a. March 1, 2010 - City Council Work Session, Closed Session Minutes
- b. March 16, 2010 - City Council Meeting Minutes
- c. March 25, 2010 - City Council Special Meeting

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ross, it was resolved unanimously to approve the above-mentioned minutes.

ADD-ONS - CONSENT AGENDA:

- a. Reclassification - Civilian Crime Analyst - Police Department
- b. Change Location of May 3, 2010, Work Session

Upon motion by Councilmember Butler, seconded by Councilmember Faucette, it was resolved unanimously to approve the add-ons.

ADOPTION OF AGENDA

Upon motion by Councilmember Butler, seconded Mayor Pro Tem Huffman, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

ITEM 1:

- A) To adopt a resolution designating the finance director to declare official intent on behalf of the City to reimburse expenditures under United States Department of Treasury regulations.

10-03

RESOLUTION DESIGNATING THE FINANCE DIRECTOR TO DECLARE OFFICIAL INTENT ON BEHALF OF THE CITY TO REIMBURSE EXPENDITURES UNDER UNITED STATES DEPARTMENT OF TREASURY REGULATIONS

BE IT RESOLVED by the City Council of the City of Burlington, North Carolina (the "City") as follows:

Section 1. The City Council does hereby find and determine as follows:

(a) Section 1.150-2 of the United States Department of Treasury Regulations (the "Regulations") prescribe specific procedures which are applicable to certain debt incurred by the City, including, without limitation, a requirement that the City declare its official intent to reimburse certain expenditures with proceeds of debt to be incurred by the City prior to, or within sixty (60) days of, payment of the expenditures to be reimbursed.

(b) Section 1.150-2 of the Regulations permit the statement of official intent to be declared by any person authorized or designated by the City to declare such official intent on behalf of the City.

(c) The City Council believes that it is in the best interest of the City to designate the Finance Director of the City to declare official intent on behalf of the City as authorized by Section 1.150-2 of the Regulations.

Section 2. As permitted by Section 1.150-2 of the Regulations, the Finance Director of the City, now or hereafter serving in such capacity, is hereby designated by the City Council to declare official intent on behalf of the City to reimburse any and all expenditures with the proceeds of debt to be incurred by the City as the issuer of such debt.

Section 3. This resolution shall take effect upon its passage.

Upon motion of Council Member Ross, seconded by Council Member Faucette, the foregoing resolution entitled "RESOLUTION DESIGNATING THE FINANCE DIRECTOR TO DECLARE OFFICIAL INTENT ON BEHALF OF THE CITY TO REIMBURSE EXPENDITURES UNDER UNITED STATES DEPARTMENT OF TREASURY REGULATIONS" was passed by the following vote:

Ayes: Wall, Huffman, Butler, Ross and Faucette

Noes: None

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I, Jondeen D. Terry, City Clerk of the City of Burlington, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of the City of Burlington, North Carolina, at a regular meeting held on April 6, 2010, as relates in any way to the introduction and passage of the foregoing

resolutions and that said proceedings are recorded in Minute Book No. ____ of the minutes of said City Council, beginning on page ____ and ending on page ____.

I DO HEREBY CERTIFY that a schedule of the regular meetings of the City Council of the City of Burlington, North Carolina, stating that the regular meetings of said City Council are held in the City Council Chambers at the City Hall in Burlington, North Carolina, on the first and third Tuesday of each month at 7:00 p.m., has been on file in my office at least seven calendar days prior to said meeting in accordance with G.S. 143-318.12.

WITNESS my hand this 6th day of April, 2010.

- B) To adopt the final procedure on filling a vacant seat on the City Council.
- C) To approve an agreement with Alley, Williams, Carmen and King, Inc., for inspection and plan review services.
- D) To approve a temporary moratorium regarding City Ordinance 23-24(B) "Noise Ordinance" for 90 days beginning April 7, 2010, to perform resurfacing in the Central Business District area during the night-time hours. This work is being performed under the City's 2010 resurfacing contract.
- E) To approve a temporary moratorium regarding City Ordinance 23-24(B) "Noise Ordinance" for a period from May 1, 2010 to November 15, 2010. The North Carolina Department of Transportation will be performing intersection improvements during the night-time hours to the following areas:
 - a. Edgewood Avenue at Church Street
 - b. Chapel Hill Road at Maple Avenue
 - c. O'Neal Street at Church Street
- F) To set the date for advertising 2009 unpaid taxes for May 7, 2010.
- G) Budget Amendment 2010-38 - USA South Conference Spring Sports Festival

BA2010-38

Increase Revenues:

010-35204-6230	Sports Festival Fees	\$29,755
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Increase Expenditures:

010-62623-6022	S Conf Spring Sports Festival	\$29,755
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H) Budget Amendment 2010-39 - MidCarolina Bank Sponsorship
Donation - Special Events

BA2010-39

Increase Revenues:

010-33404-6210	Donations - Recr. Programs	\$ 3,000
010-35229-6300	Carousel Festival	7,000

Increase Expenditures:

010-62624-4500	Contracted Services	\$ 3,000
010-62624-6012	Carousel/Arts	7,000

I) Budget Amendment 2010-40 - Recognize Insurance Proceeds -
Traffic Signal Cabinet and Controller

BA2010-40

Increase Revenues:

010-37110-0000	Insurance Refund	\$ 8,764
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Increase Expenditures:

010-54541-1600	Maint/Repair Equip-Signal	\$ 8,764
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J) Budget Amendment 2010-41 - Police Needs - Funded by RICO

BA2010-41

Increase Revenues:

013-39398-0000	Appropriated Fund Balance	\$41,535
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Increase Expenditures:

013-52520-7200	Buildings	\$ 5,467
013-52520-3390	Equipment Not Capitalized	15,559
013-52520-4500	Maint/Service Contracts	20,509

K) To approve a reclassification in the Police Department from an
Office Assistant III (Level 14) to a Civilian Crime Analyst
(Level 22).

L) To change the location of the May 3, 2010, City Council Work
Session to the Municipal Building Council Chamber at 7:00 p.m.

Upon motion by Councilmember Ross, seconded by Councilmember
Faucette, it was resolved unanimously to approve the foregoing
consent agenda.

PUBLIC HEARING:

ITEM 2: CITIZENS' COMMENTS - PROPOSED FIVE-YEAR CONSOLIDATED PLAN - COMMUNITY DEVELOPMENT PROGRAM

Mayor Wall announced that a public hearing had been scheduled to hear citizen comments on the proposed Community Development Program Five-year Consolidated Plan.

Ms. Shawna Tillery, Community Development Director, stated that the one month comment period was being held from April 1, 2010, to April 30, 2010, at which time comments that are received would be incorporated into the consolidated plan along with comments received during the public hearing. Ms. Tillery stated that for fiscal year 2010-11 there were several proposed budget items for the Community Development Block Grant Program: 1) Fairchild Park upgrade in the amount of \$211,000 to develop soccer fields at City-owned Fairchild Park. 2) install water and sewer lines in the amount of \$70,000.00 along Hunt Street to benefit Habitat for Humanity who plans to build three homes on lots to be serviced by this project. 3) Family Abuse Services in the amount of \$5,000.00 to upgrade the carpeting in its transitional housing apartments. 4) Construction Training Program in the amount \$65,000.00 to be given to the North Carolina Home Builders Association. She also stated that the City would receive \$65,000.00 from the North Carolina Housing Finance Agency to provide soft rehabilitation costs for the Housing Rehabilitation Program; 5) North Park Library in the amount of \$10,000.00 for funding to purchase books and materials. 6) provide \$10,000.00 in temporary relocation assistance for several years for the Housing Rehabilitation Program and, 8) \$98,000.00 to cover administration costs for the upcoming year.

Councilmember Faucette asked if staff was paid out of the block grant, and Ms. Tillery responded yes.

Marion Jones Richmond, 338 Baldwin Road, requested that some of the funds be used to establish curb and gutter along the east and west side of Baldwin Road. Ms. Richmond stated that without this grant how staff would be paid.

City Manager Owen stated that staff's salary is based on the amount received each year.

Ms. Richmond asked if adjustments were made to those salaries.

Mr. Owen stated that no adjustments had been made in two years and the amount of money granted this year included a seven percent increase.

Ms. Richmond asked what was being purchased for Hunt Street.

Ms. Tillery stated water and sewer would be installed along Hunt Street.

Ms. Richmond questioned if it would be possible for her to question her neighbors about curb and gutter on Baldwin Road and how much of one's property would have to be given over to the City as right-of-way.

Mayor Pro Tem Huffman stated that the City had a process to follow to request curb and gutter in a neighborhood that would include a certain number of neighbors agreeing.

Mr. George Hill, President, South Beverly Hills Neighborhood Association, stated that half of the 300 block of Highland Avenue had curb and gutter and asked for the rest of the block to be constructed with curb and gutter. Mr. Hill stated that an estimate had been received that would cost approximately \$90,000.00 for 416 feet of curb and gutter. He stated that water collects and sits on the road and the elderly can't walk down the street for the standing water. He asked if this could be considered in next year's grant funds to finish out the curb and gutter.

Ms. M.J. Goodrun, Library Director for North Carolina Public Libraries, thanked the Council for the money given to the North Park Library.

Ms. Robin Wintringham, Habitat for Humanity of Alamance County, thanked Council for providing funding for water and sewer lines on Hunt Street. She stated that this block would soon have homes for six families.

Mr. Kemp Paylor, Homebuilders Association, Construction Training Partnership Program, stated that the industry had begun to see bright spots and remodeling and renovations had continued, and he thanked Council for its support of the program.

Upon motion by Councilmember Butler, seconded by Councilmember Ross, it was resolved unanimously to close the public hearing.

NEW BUSINESS:

ITEM 3: ADOPT RESOLUTION - MAIN STREET SOLUTIONS FUND GRANT -
COMPANY SHOPS MARKET

Mayor Wall announced that the City Council would consider adopting a resolution in support of the Main Street Solutions Fund Grant application on behalf of Company Shops Market.

Ms. Anne Morris, Burlington Downtown Corporation Director, stated this was a new pilot program of state funds made available through the North Carolina Department of Commerce. Ms. Morris stated that this was a grant that must be applied for in partnership with the Main Street Program through the local government and in partnership with small businesses. The goals of the program are to support small business needs, support job growth, and spur private investment in a designated downtown area. Ms. Morris stated that the project was ready to go to Company Shops Market and would help secure private financing with no matching money required.

Councilmember Butler asked if a certain dollar amount was being requested.

Ms. Morris stated the maximum amount of \$300,000.00 would be requested.

Councilmember Ross moved for the adoption of the following resolution:

10-04

RESOLUTION IN SUPPORT OF THE MAIN STREET SOLUTIONS FUND GRANT
APPLICATION ON BEHALF OF THE COMPANY SHOPS MARKET

BE IT RESOLVED by the City Council of the City of Burlington, North Carolina, (the "City") as follows:

Section 1. The City Council does hereby find and determine as follows:

(a) Whereas the City Council supports the revitalization of downtown Burlington and seeks to encourage small business development within downtown Burlington; and,

(b) Whereas the City Council believes the Company Shops Market will positively impact the revitalization vision and goals

as stated in the 2008 "Downtown Burlington Master Plan," and positively impact the development of a thriving small business climate in downtown Burlington; and,

(c) The City Council hereby declares its intent to make application for Main Street Solutions grant funds in partnership with the Company Shops Market as the grant recipient and with the Burlington Downtown Corporation, a 501(c)3 organization charged with administering the local Main Street program and managing the implementation of the downtown Master Plan; and,

(d) Designates Mayor Ronnie K. Wall as the appropriate agent to make application for the Main Street Solutions grant funds and to sign a grant agreement on behalf of the City should the funds be awarded; and,

(e) Further designates Anne K. Morris, Executive Director of the Burlington Downtown Corporation, as the City's designated agent to ensure that all reporting and monitoring requirements associated with the grant are carried out in accordance with the Main Street Solutions Fund Operating Guidelines.

Section 2. This resolution shall take effect upon its passage.

Upon motion of Council Member Ross, seconded by Council Member Butler, the foregoing resolution entitled "RESOLUTION IN SUPPORT OF THE MAIN STREET SOLUTIONS FUND GRANT APPLICATION ON BEHALF OF THE COMPANY SHOPS" was passed unanimously.

STAFF REPORT: RESURFACING CONTRACT

City Engineer Lanny Rhew reviewed the areas in the City to be resurfaced. A copy of listed streets to be resurfaced can be obtained in the Clerk's office. Mr. Rhew stated that the resurfacing contract had been awarded to APAC-Atlantic, Inc., Thompson-Arthur Division. He explained that US Infrastructure of Carolina, Inc. had prepared a Pavement Condition Survey as requested by the City in 2009 which rated each City street numerically according to its structural deficiencies and disrepair. The City then compiled a list of streets to be repaved using this information. Mr. Rhew stated that the \$1.78 million resurfacing contract was awarded by Council on December 15, 2009, and that the contract had been extended to \$2.9 million to include a total of 50 City streets (12.6 miles) and 10 City-owned parking lots. Funding was made available through Recovery Zone Bonds. Mr. Rhew stated that work had begun on March 19, 2010, and should

be complete by October 1, 2010. He explained how the work would progress; the paving contractor elected to begin in the western region of the City and progress eastward to the Central Business District. Work would then proceed to the north and east. Construction would be broken into multiple phases, including roadway milling, utility adjustments, patching, curb replacement, surface treatment and resurfacing. Signs would be put out 24-hours in advance to remove on-street parking during construction. Mr. Rhew shared that work was being performed by City crews in order to stretch resurfacing dollars by providing pavement patching, curb replacement and wheelchair ramp installation.

Central Business District resurfacing: A majority of the downtown resurfacing will take place at night and on weekends to reduce traffic congestion and business interruption. Work should begin around April 19, 2010, with some necessary daytime work that could temporarily disrupt traffic. Citizens would need to expect some slight delays, street closings, no on-street parking, dust and dirt, noise, rough pavement and unmarked pavement. NCDOT would be performing resurfacing work in the same timeframe at the following locations: Church Street/Fisher Street (Alamance Road to Graham-Hopedale Road, Huffman Mill Road (I-85/40 to Church Street), Webb Avenue (Flora Avenue to Gilmer Street). For concerns, one may contact 570-6833. Also, if one has concerns with the City resurfacing project, they can call the City's Engineering Department at 222-5050.

PUBLIC COMMENT PERIOD

(There were no public comments)

CITY COUNCIL COMMENTS

Councilmember Butler stated that while trying to understand all the different types of funds that are available to the City and if there was money available that the City was not aware of and needed to apply for, that each time he came to City staff to inquire about such funds, staff had already researched its availability. Mr. Butler stated that he understood what staff had to go through when applying for federal money and commended Planning and Economic Director, Bob Harkrader and Public Works Director, Nolan Kirkman for their efforts and that the City was the beneficiary of their efforts.

MAYOR WALL ANNOUNCED THE FOLLOWING:

- Give a Kid a Smile - 8:00 a.m. Saturday, April 10, 2010, McKinney Street
- Neighborhood meetings - Mayor asked Council members to be thinking of locations to hold neighborhood meetings.

CITY MANAGER COMMENTS:

City Manager Harold Owen shared information in an article from Triad Business Journal titled; "Largest Triad Life Science" and of those 25 largest employers, four were in Burlington.

Mr. Owen stated that as requested by Council, he had contacted the NC League of Municipalities concerning the NCLM Municipal Environmental Assessment Coalition related to widespread environmental regulatory issues that would have an impact on local government. He stated that 85 municipalities and agencies had responded so far in an effort to attack these issues as a state-wide effort. He stated that the League believed that the DENR approach might create more issues for North Carolina than in other states. Mr. Owen stated that DENR had hired an engineering firm from Raleigh, Sterns and Wheeler, and is working with an economist to conduct a fiscal analysis on ways that the proposed regulations would have less impact on local government. Bob Patterson, Water Resources Director, indicated that the impact could potentially result in some industries not being allowed to be permitted because of strict regulations.

Councilmember Butler suggested that Council speak with legislators in an effort to make an impact on how local government would be affected.

ADJOURN:

Upon motion by Councilmember Faucette, seconded by Councilmember Butler, it was resolved unanimously to adjourn.

Jondeen D. Terry
City Clerk